

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSE WITTEVEEN,

Defendant.

CASE NO. 2:22-cr-00211-LK

ORDER GRANTING UNOPPOSED  
MOTION TO CONTINUE TRIAL  
DATE AND EXTEND PRETRIAL  
MOTIONS DEADLINE

This matter comes before the Court on Defendant Jesse Witteveen’s Unopposed Motion to Continue Trial and Pretrial Motions Deadline. Dkt. No. 193. Mr. Witteveen seeks to continue the trial date from February 5, 2024 to June 10, 2024, and to continue the pretrial motions deadline from December 18, 2023 to a date “consistent with the new trial date.” *Id.* at 1; *see also* Dkt. No. 181 at 2 (prior order extending pretrial motions deadline). The Government does not oppose the motion. Dkt. No. 193 at 1.<sup>1</sup>

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<sup>1</sup> Although the Court finds good cause to extend the pretrial motions deadlines as requested, it cautions Mr. Witteveen that pursuant to Section I.A. of this Court’s Standing Order for All Criminal Cases, motions to continue the trial date and pretrial motions deadline must be made prior to the pretrial motions deadline. The Court expects strict compliance with its Standing Order and the applicable laws and rules moving forward, and reminds the parties that “a failure to

1 Mr. Witteveen is charged with one count of Conspiracy to Distribute Controlled Substances  
2 in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), (b)(1)(C), and 846, and one count of Possession  
3 of Controlled Substances with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A),  
4 and (b)(1)(B). Dkt. No. 28 at 1–2, 5–6.

5 Mr. Witteveen requests a new trial date of June 10, 2024 because “[t]he government has  
6 provided substantial discovery in this matter, including over 19,000 pages of documents, which  
7 encompass law enforcement reports, witness statements, search warrants and related documents,  
8 audio and video recordings, and more.” Dkt. No. 193 at 2. Defense counsel “has been working  
9 diligently to review the materials with Mr. Witteveen, conduct related investigation and legal  
10 research, and prepare Mr. Witteveen’s defense,” but still, “counsel requires additional time to  
11 adequately prepare Mr. Witteveen’s case for trial.” *Id.* Accordingly, “[t]he defense requests a  
12 continuance of the trial date to June 10, 2024, to allow sufficient time to complete reviewing the  
13 discovery with Mr. Witteveen, conducting investigation and legal research, preparing motions, and  
14 planning Mr. Witteveen’s defense at trial.” *Id.* Mr. Witteveen has waived his speedy trial rights  
15 through July 31, 2024. Dkt. No. 193-1 at 1.

16 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by  
17 granting a continuance outweigh the best interest of the public and Mr. Witteveen in any speedier  
18 trial. Specifically, the Court finds that failure to grant the requested continuance would likely result  
19 in a miscarriage of justice and would deny defense counsel the reasonable time necessary for  
20 effective preparation, taking into account the exercise of due diligence, due to counsel’s need for  
21 more time to review the discovery with Mr. Witteveen, conduct investigation and legal research,  
22 prepare motions, and plan Mr. Witteveen’s defense at trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv).

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24 timely raise a pretrial objection required by Rule 12, absent a showing of good cause, constitutes a waiver[.]” *United States v. Ghanem*, 993 F.3d 1113, 1120 (9th Cir. 2021) (cleaned up).

1 The Court finds that the additional time requested is a reasonable period of delay and will be  
2 necessary to provide counsel and Mr. Witteveen reasonable time to accomplish the above tasks.

3 For these reasons, the Court GRANTS the motion, Dkt. No. 193, and ORDERS that the  
4 trial date shall be continued from February 5, 2024 to June 10, 2024, and the pretrial motions  
5 deadline shall be continued from December 18, 2023 to April 29, 2024. It is further ORDERED  
6 that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the date of this Order  
7 to the new trial date is EXCLUDED when computing the time within which Defendant's trial must  
8 commence under the Speedy Trial Act.

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10 Dated this 20th day of December, 2023.

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12 Lauren King  
13 United States District Judge  
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